

### **REMARKS**

By way of this amendment, independent claims 1, 19, 29 and 32 have been amended. Support for these claim amendments with respect to remote communication of the temperature measured within the confined space is found in the instant specification at page 7, lines 13-15. Support for other amendments to the claims is found within the claims as originally filed. As such, it is submitted that no new matter has been added to the application by way of this amendment.

Currently, claims 1-6, 8, 11, 13, 19-25 and 28 stand rejected under 35 U.S.C. §103(a) as anticipated by McCarthy et al. (U.S. Patent 6,768,420). Claims 7, 32, 33, 35 and 36 stand rejected under 35 U.S.C. §103(a) over McCarthy et al. in view of Ford (U.S. Patent 6,756,896). Claims 14 and 16 stand rejected under 35 U.S.C. §103(a) as being obvious over McCarthy et al. in view of Wilkinson (U.S. Patent 5,892,447). Claims 14, 15, 29, 30 and 31 stand rejected under 35 U.S.C. §103(a) over McCarthy et al. in view of Brinkmeyer et al. (U.S. Patent 5,940,007). Claims 17, 26 and 27 stand rejected under 35 U.S.C. §103(a) as being obvious over McCarthy et al. in view of Barnas et al. (U.S. Patent 6,642,838). Claim 18 stands rejected under 35 U.S.C. §103(a) as being obvious over McCarthy et al. in view of Wilkinson and further in view of Barnas. Lastly, claim 34 stands rejected under 35 U.S.C. §103(a) as being obvious over McCarthy et al. in view of Ford and further in view of Barnas.

#### **Remarks Directed to Rejection of Claims 1-6, 8, 11, 13, 19-25 and 28 under 35 U.S.C. §103(a) over McCarthy et al.**

Applicant hereby incorporates by reference remarks made of record in the amendment filed March 27, 2006 found on pages 10-12 with respect to this rejection.

With respect to the pending claim limitation of “a video camera having a fisheye or other wide angle lens” as made of record, the Examiner’s response states:

The claimed video camera having a fisheye or other wide angle lens is met by the additional sensors including a video camera (column 8, lines 61-67). [citing to McCarthy] Any lens would have been chosen for the particular task of capturing an image inside the vehicle, including a fisheye or other wide angle lens;

(Paper No. 20060524, paragraph spanning pages 2-3). Applicant submits that this reinstatement of the rejection is the very definition of an improper “obvious to try” rejection. With the only relevant teaching in the prior art into a generic video camera the conclusion that the inclusion of any lens within such a camera means that one of ordinary of skill in the art lacks any direction as to what type of lens to include within such a system. In fact, the only apparent place that a fisheye or other wide angle lens is contemplated is within the pending application and this represents an improper source for motivation as hindsight reconstruction. As such, the claim language of a video camera having a “fisheye or other wide angle lens” is submitted to have been nowhere found within the prior art and as such is entitled to patentable weight.

With respect to claim 1 reciting a “reserve power unit enabling said controller to function upon loss of routine power,” the Examiner has reiterated that McCarthy is silent as to this feature and resorts again to official notice “that it is well known in the art for an electrical device to have a backup or reserve power system to take over powering the device when such main power fails.” (Paper No. 20060524, page 3, last paragraph). Again, Applicant requests as a matter of right the provision of a reference or detailed statement with regard to the official notice that may be evaluated with respect to a motivation to combine the official notice reference with McCarthy, as well as whether the disclosure of backup power is consistent with analogous art. Should this rejection of pending claim 1 and those claims that depend therefrom be maintained, the inclusion of a reference consistent with the official notice as to a reserve power unit is respectfully requested.

Claim 19 has also been amended to include the recitation that the alarm system communicates to a remote location “the temperature measured by said thermocouple and that the temperature in the vehicle compartment is beyond the thermal threshold and the occupant is within the vehicle compartment ....” Applicant submits that the communication of the actual temperature measured within the vehicle compartment as part of the alert system is nowhere taught in McCarthy or the prior art of record and constitutes additional information allowing a receiver at a remote location to assess whether the alert constitutes an actual emergency situation or a malfunction. While McCarthy at Fig. 8 with respect to reference numeral 50 details a series of potential system outputs, that of communicating the sensed temperature within the vehicle compartment is lacking. As this claim limitation is nowhere found in the prior art, Applicant submits that it is entitled to patentable weight. Claims 20-25 and 28 are likewise submitted to be nonobvious on the basis of incorporating limitations of base claim 19 as detailed above.

In light of the above amendments and remarks, reconsideration and withdrawal of the rejection as to claims 1-6, 8, 11, 13, 19-25 and 28 under 35 U.S.C. §103(a) as obvious over McCarthy et al. is requested.

**Remarks Directed to Rejection of Claims 7, 32, 33, 35 and 36  
under 35 U.S.C. §103(a) over McCarthy et al. in View of Ford**

Pending claim 7 is submitted now be allowable on the basis of dependency from claim 1, which is now believed to be in allowable form based on the above remarks.

Pending claim 32 has been amended to recite the communication to a remote location of the temperature sensed within the confined space. As neither McCarthy, as detailed above, nor Ford teaches nor contemplates this data communication as part of a trapped occupant alarm, this claim recitation is respectfully submitted to be entitled to patentable weight. Claims 33-36 are

likewise submitted to be nonobvious over the prior art reference combination on the basis of incorporating the above-described recitations found in claim 32.

In light of the above amendments and remarks, reconsideration and withdrawal of the rejection as to claims 7, 32, 33, 35 and 36 under 35 U.S.C. §103(a) as being obvious over McCarthy et al. in view of Ford is requested.

**Remarks Directed to Rejection of Claims 14 and 16  
under 35 U.S.C. §103(a) over McCarthy in View of Wilkinson**

Applicant hereby incorporates by reference the remarks of record with respect to this rejection, as well as those remarks provided above with respect to the believed allowability of base claim 1, from which claims 14 and 16 depend. As a result, reconsideration and withdrawal of the rejection of claims 14 and 16 under 35 U.S.C. §103(a) over McCarthy et al. in view of Wilkinson is requested.

**Remarks Directed to Rejection of Claims 14, 15, 29, 30 and 31 under  
35 U.S.C. §103(a) over McCarthy et al. in View of Brinkmeyer et al.**

Applicant hereby incorporates by reference the remarks of record with respect to this rejection, as well as those remarks provided above with respect to the believed allowability of base claim 1, from which claims 14 and 15 depend. As a result, reconsideration and withdrawal of the rejection of claims 14 and 15 under 35 U.S.C. §103(a) over McCarthy et al. in view of Brinkmeyer is requested.

Pending independent claim 29 has been amended to recite a display including the actual sensed temperature within the space. As this claim limitation is nowhere found in the prior art of record, Applicant submits that it is entitled to patentable weight. As such, reconsideration and withdrawal of the rejection as to claim 29 and claims 30 and 31 which depend therefrom is requested.

**Remarks Directed to Rejection of Claims 17, 26 and 27 under  
35 U.S.C. §103(a) as Being Unpatentable over McCarthy et al. in View of Barnas et al.**

Based on the above remarks indicating that base claim 1 from which claim 17 depends is now believed to be in allowable form, reconsideration and withdrawal of the rejection as to claim 17 over McCarthy et al. in view of Barnas et al. is requested. Additionally, the amendments to base claim 19 and the above remarks pertaining to claim 19, now believed to be in allowable form, are submitted to be a basis for the allowance of claims 26 and 27 which depend therefrom.

**Remarks Directed to Rejection of Claims 18 and 34**

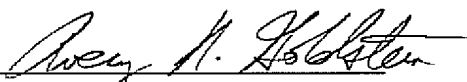
Based on the dependency of claims 18 and 34 from base claims 1 and 32, respectively, each of which is now believed to be in allowable form, reconsideration and withdrawal of the rejections as to claims 18 and 34 is requested.

**Summary**

Claims 1-8, 11 and 13-36 remain pending in the application. Reconsideration and withdrawal of the outstanding rejections is hereby requested. Should the Examiner have any suggestions as to how to improve the form of any of the pending claims, he is respectfully requested to contact the undersigned attorney in charge of this application.

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Respectfully submitted,

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